



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

May 7, 2014

Mr. Orlando Juarez, Jr.  
Counsel for United Independent School District  
J. Cruz & Associates, LLC  
216 West Village Boulevard, Suite 202  
Laredo, Texas 78041

OR2014-07739

Dear Mr. Juarez:

You ask whether certain information is subject to required public disclosure under the Public Information Act (the "Act"), chapter 552 of the Government Code. Your request was assigned ID# 524825.

The United Independent School District (the "district"), which you represent, received one request from two requestors for information pertaining to a specified incident and a specified policy of the district's police department (the "department"). You claim the submitted information is excepted from disclosure under sections 552.101, 552.102, 552.108, 552.117, 552.132, 552.135 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

Section 552.101 of the Government Code excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Gov't Code § 552.101. This section encompasses information protected by other statutes, such as section 58.007 of the Family Code, which provides, in pertinent part:

(c) Except as provided by Subsection (d), law enforcement records and files concerning a child and information stored, by electronic means or otherwise, concerning the child from which a record or file could be generated may not be disclosed to the public and shall be:

(1) if maintained on paper or microfilm, kept separate from adult files and records;

(2) if maintained electronically in the same computer system as records or files relating to adults, be accessible under controls that are separate and distinct from controls to access electronic data concerning adults; and

(3) maintained on a local basis only and not sent to a central state or federal depository, except as provided by Subchapters B, D, and E.

...

(e) Law enforcement records and files concerning a child may be inspected or copied by a juvenile justice agency as that term is defined by Section 58.101, a criminal justice agency as that term is defined by Section 411.082, Government Code, the child, and the child's parent or guardian.

...

(j) Before a child or a child's parent or guardian may inspect or copy a record or file concerning the child under Subsection (e), the custodian of the record or file shall redact:

(1) any personally identifiable information about a juvenile suspect, offender, victim, or witness who is not the child; and

(2) any information that is excepted from required disclosure under [the Act], or other law.

Fam. Code § 58.007(c), (e), (j). Juvenile law enforcement records relating to delinquent conduct or conduct indicating a need for supervision that occurred on or after September 1, 1997 are confidential under section 58.007. *See id.* § 51.03(a) (defining "delinquent conduct"). For purposes of section 58.007(c), "child" means a person who is ten years of age or older and under seventeen years of age at the time of the conduct at issue. *See id.* § 51.02(2). The submitted information consists of a law enforcement record of the department for a child engaged in delinquent conduct that occurred after September 1, 1997. As such, this information is generally confidential under section 58.007(c).

In this instance, however, the submitted information reflects one of the requestors is the mother of the juvenile offender. Therefore, in accordance with section 58.007(e), the district may not use section 58.007(c) to withhold this information from the juvenile offender's mother. *See id.* § 58.007(e). We are unable to determine if the other requestor is also a parent or guardian of the juvenile offender. As such, we rule conditionally. If the other requestor is not the juvenile offender's parent or guardian, the district must withhold the submitted information in its entirety from him under section 552.101 in conjunction with section 58.007(c). If, however, the other requestor is a parent or guardian of the juvenile

offender, then the district may not use section 58.007(c) to withhold this information from him either. *See id.* However, section 58.007(j)(1) provides that any identifiable information about a juvenile victim who is not a child of the requestors must be redacted. *See id.* § 58.007(j)(1). We note, for the purposes of section 58.007(j), a juvenile victim or witness is a person who is under eighteen years of age. Additionally, section 58.007(j)(2) provides that information subject to any other exception to disclosure under the Act or law must be redacted. *Id.* § 58.007(j)(2). Thus, we will consider your remaining arguments for the remaining information.

Section 552.108(a) of the Government Code excepts from disclosure “[i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime . . . if: (1) release of the information would interfere with the detection, investigation, or prosecution of crime[.]” Gov’t Code § 552.108(a)(1). A governmental body claiming section 552.108(a)(1) must reasonably explain how and why release of the requested information would interfere with the detection, investigation, or prosecution of crime. *See id.* §§ 552.108(a)(1), .301(e)(1)(A); *see also Ex parte Pruitt*, 551 S.W.2d 706 (Tex. 1977). You state, and submit an affidavit from a police officer with the department representing, the submitted information pertains to a pending criminal investigation by the department. Based upon these representations and our review, we conclude release of the submitted information would interfere with the detection, investigation, or prosecution of crime. *See Houston Chronicle Publ’g Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.—Houston [14th Dist.] 1975) (court delineates law enforcement interests that are present in active cases), *writ ref’d n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976). Thus, section 552.108(a)(1) is applicable to the submitted information.

We note, however, section 552.108 does not except from disclosure “basic information about an arrested person, an arrest, or a crime.” Gov’t Code § 552.108(c). Basic front-page information refers to the information held to be public in *Houston Chronicle*, and includes, among other items, an identification and description of the complainant and a detailed description of the offense. *See* 531 S.W.2d at 186-87; Open Records Decision No. 127 (1976) (summarizing types of information considered to be basic information). Thus, with the exception of the basic information, the district may withhold the submitted information under section 552.108(a)(1).<sup>1</sup>

You also raise section 552.132 of the Government Code for the remaining basic information, which provides in pertinent part as follows:

(b) The following information held by the crime victim’s compensation division of the attorney general’s office is confidential:

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<sup>1</sup>As our ruling is dispositive, we need not address your remaining arguments against disclosure of this information.

- (1) the name, social security number, address, or telephone number of a crime victim or claimant; or
- (2) any other information the disclosure of which would identify or tend to identify the crime victim or claimant.

Gov't Code § 552.132(b). The remaining basic information is not held by the crime victim's compensation division of this office; therefore, section 552.132(b) is not applicable to this information. Therefore, the district may not withhold the remaining basic information under section 552.132.

In summary, if the requestor who is not the juvenile offender's mother is not the juvenile offender's parent or guardian, the district must withhold the submitted information in its entirety from that requestor under section 552.101 of the Government Code in conjunction with section 58.007(c) of the Family Code. If that requestor is a parent or guardian of the juvenile offender, with the exception of basic information, the district may withhold the submitted information from that requestor under section 552.108(a)(1) of the Government Code. With the exception of basic information, the district may withhold the submitted information from the requestor who is the juvenile offender's mother under section 552.108(a)(1) of the Government Code. In releasing basic information to either requestor, the district must withhold the information we have marked that identifies or tends to identify a juvenile victim under section 552.101 of the Government Code in conjunction with section 58.007(j)(1) of the Family Code.

This letter ruling is limited to the particular information at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other information or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For more information concerning those rights and responsibilities, please visit our website at [http://www.texasattorneygeneral.gov/open/orl\\_ruling\\_info.shtml](http://www.texasattorneygeneral.gov/open/orl_ruling_info.shtml), or call the Office of the Attorney General's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Act may be directed to the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,



Lindsay E. Hale  
Assistant Attorney General  
Open Records Division

LEH/akg

Ref: ID# 524825

Enc. Submitted documents

c: Requestor  
(w/o enclosures)